

## UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		AT	TORNEY DOCKET NO.
09/614,286	07/12/00	TANABE		Н	NECK 17.552
			· ¬	EXAMINER	
	_	MM91/091	0		
HELFGOTT & KARAS PC				C SUTTON, T	
60TH FLOOR				ART UNIT	PAPER NUMBER
EMPIRE STAT NEW YORK NY				2813 DATE MAILED:	5
				DAIL MAILED.	09/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

>	Application N .	Applicant(s	5)			
	09/614,286	TANABE, H				
Office Action Summary	Examiner	Art Unit				
فع	Timothy J Sutton	2813				
The MAILING DATE of this communication app	pears on the cover	sheet with the corresponde	nce address			
eriod for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, howe	ver, may a reply be timely filed mum of thirty (30) days will be conside SIX (6) MONTHS from the mailing date	133).			
1) Responsive to communication(s) filed on						
	nis action is non-fi					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims		,				
4) Claim(s) 1-14 is/are pending in the application	n.					
4a) Of the above claim(s) is/are withdra	awn from consider	ation.				
5) Claim(s) is/are allowed.						
6) ☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-14 are subject to restriction and/or	election requirem	ent.				
Application Papers						
9)☐ The specification is objected to by the Examin	er.	The Francisco				
10) The drawing(s) filed on is/are: a) acc	epted or b) objec	ted to by the Examiner.	1.85(a)			
Applicant may not request that any objection to t	he drawing(s) be no	ad b) disapproved by the	Examiner.			
11) The proposed drawing correction filed on	is: a)∟_ approv	ed D) disappioved by the	L.Xairiii.			
If approved, corrected drawings are required in r		MOII.				
12) The oath or declaration is objected to by the E	LAAITIIIICI.	<i>:</i>				
Priority under 35 U.S.C. §§ 119 and 120	an ariarity under 3	5 I I S C & 119(a)-(d) or (f)	١.			
13) Acknowledgment is made of a claim for forei	gii priority ander e	0 0.0.0.3 ( )				
a) ☐ All b) ☐ Some * c) ☐ None of:	ats have been rec	eived .				
1. Certified copies of the priority docume	nts have been rec	eived in Application No.	·			
2. Certified copies of the prior of the pr	2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International to a see the attached detailed Office action for a li	st of the certified	copies not received.				
14) Acknowledgment is made of a claim for dome	stic priority under	35 U.S.C. § 119(e) (to a pr	ovisional application).			
a)  The translation of the foreign language r	provisional applica	tion has been received.				
Attachment(s)	, <b>-</b>	T Interview Summary (DTO 412)	Paner No(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s	4) L 5) [ ) 6) [	Interview Summary (PTO-413) Notice of Informal Patent Appl Other:	ication (PTO-152)			
U.S. Patent and Trademark Office	Action Summary		Part of Paper No. 5			

Application/Control Number: 09/614,286

Art Unit: 2813

## El ction/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-10, drawn to a joint process in forming a semiconductor film, classified in class 438, subclass 697.
- II. Claims 11-14 drawn to a semiconductor structure, classified in class 257, subclass 1+. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the semiconductor device can be formed by a different materials process. For example the insulating layer may be formed by the use of oxidation, chemical vapor deposition (CVD), physical vapor deposition (PVD), and or plasma enhanced chemical deposition (PECVD).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Page 3

Application/Control Number: 09/614,286

Art Unit: 2813

A telephone call was made to Michael Markowitz on September 6, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Sutton whose telephone number is 703-305-0070. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Bowers can be reached on 703-308-2417. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

tjs September 6, 2001 Charles Bowers

Supervisory Patent Examiner

Technology Center 2800

Application/Control Number: 09/614,286

Art'Unit: 2813